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TO

Better define the Jurisdiction and improve the Procedure
of the Borough Court of the City of Dublin, and for
other purposes connected therewith. A.D. 1906.

WHEREAS the borough court of the city of Dublin is an
ancient court of record for the trial of civil actions, and
the usefulness of the court to suitors would be increased if its
jurisdiction were better defined and if the procedure of the High
Court were made applicable to it and other amendments made :

Be it therefore enacted by the King's most Excellent Majesty,
by and with the advice and consent of the Lords Spiritual and
Temporal, and Commons, in this present Parliament assembled,
and by the authority of the same, as follows :—

1. This Act shall be cited as the Court of Record of the Sherriff
Borough of Dublin Act, 1906.

2. Any action or cause of the classes herein-after mentioned
may be commenced and determined in the borough court of
Dublin where the defendant or one of the defendants resides in
the county borough of Dublin, or has a house or place of resi-
dence, office, warehouse, counting house, shop, factory, or other
place of business within the borough aforesaid (that is to say) :—

In contract, whether on specialty, covenant, under seal, or
by simple contract, or in any manner whatsoever by or
arising under contract or agreement, and in all actions
for damages for the breach of such contracts.

3. The recorder of Dublin shall as heretofore be the judge
of the said borough court, and shall have and may exercise all
powers, authorities, and jurisdiction belonging, or which but for
this Act, would have belonged, to the said court, and he shall
have the same power, jurisdiction, and authority in regard to
[Bill 57.]

*Extent of
jurisdiction.*

*Powers of
recorder.*

A.D. 1906. — cases in the borough court, subject to the rules of court under this Act, as is possessed by a judge of the High Court in similar matters sitting at chambers or at nisi prius.

Judgments final. 4. The judgments and orders of the said borough court shall be final and conclusive in all actions and matters in respect to which jurisdiction is desired or conferred by this Act, unless and until varied, altered, or reversed on the appeal provided by this Act.

Seal of court. 5. A seal shall in manner directed by the rules under this Act be provided for the said court, on which shall be engraved "Dublin Borough Record Court," and judicial notice shall be taken thereof by all courts of justice, and any order or other instrument purporting to be sealed with it shall be received as evidence without further proof.

Procedure as to judgments of the borough court. 6. It shall not hereafter be necessary to obtain a writ of certiorari for the purpose of bringing into the King's Bench Division judgments of the said borough court, and the entry of same as judgments of the said division of the High Court; instead thereof, on production of a certificate under the seal of the borough court of the judgment therein to the proper officer of the King's Bench Division, judgment shall be entered by him in that division as if removed therein by certiorari, and when so entered shall for all purposes whatsoever (subject to the appeal therefrom herein provided) be deemed to be a judgment of the King's Bench Division.

Amendment of 3 & 4 Vict. c. 106, as to foreign attachment. 7. The provisions of the Municipal Corporations (Ireland) Act, 1840, regulating the procedure of the borough court in issuing foreign attachments are hereby amended as follows: The borough court shall have full power to issue the process of foreign attachments, but the same shall henceforth be issued only in the instances and in the manner provided by the rules to be made under the authority of this Act.

Appeal from all orders under this Act to Court of Appeal. 8. An appeal shall lie from any judgment given or order made by the recorder under the authority of this Act to His Majesty's Court of Appeal in manner and within the period and otherwise as the rules and orders made under the authority of this Act shall direct. An appeal shall be allowed on the trial of any issue in the borough court in every case where an appeal would be allowed at nisi prius, but such appeal will lie to His Majesty's Court of Appeal in manner and within the period and otherwise as the rules and orders made under the authority of this Act shall direct.

9. Nothing in this Act shall take away the trial of issues of fact by a jury in cases where either party is, according to the rights of the parties in actions in the High Court at present, entitled to have such issues so tried as of right, and the recorder is hereby authorised to issue his precept to the sheriff commanding the summoning of juries, special or common, for the sittings of the said borough court; and the sheriff shall thereupon summon such jurors in like manner and subject to the like enactments as jurors are summoned for the trials of jury actions in the King's Bench Division of the High Court of Justice.

A.D. 1906.
Provision as
to juries.

10. Rules regulating the procedure under this Act and regulating the exercise of the jurisdiction hereby conferred, the forms to be used, the costs of the parties, the manner and time for appeals and evidence to be used thereon, and in every respect dealing with the jurisdiction of the borough court and the procedure and sittings thereof, may be made by the recorder, subject to the approval and sanction of the Lord Chancellor, and after publication of the said rules so sanctioned in the Dublin Gazette shall have the same force, validity, and effect as if contained in this Act. The said rules may be altered from time to time, and such altered rules when published as aforesaid, with the sanction aforesaid, shall have the like force and effect.

Making of
rules.

11. The following words used in this Act shall have the following meanings:—

25 "Borough court" in this Act means the court of record of the borough of Dublin;

"Defendant" shall include defendants, partnerships, associations, members of societies, limited companies, corporations, and aggregate number of persons who may be sued by a representative or representatives;

30 "Court of Appeal" means His Majesty's Court of Appeal in Ireland;

"High Court of Justice" means the High Court of Justice in Ireland;

35 "Lord Chancellor" means the Lord Chancellor of Ireland.

Borough Court (Dublin) Bill.



MEMORANDUM.

The Court of Record of the Borough of Dublin dates back to the 13th century, in the course of which it was, by three several charters, established as the commercial court of the citizens. It sat continuously for six centuries till about thirty-two years ago, when it fell into disuse owing (*inter alia*) to the fact that, though power to modernise its procedure had been given by the Municipal Corporations Act of 1840, that power had not been exercised.

This Bill merely proposes to define, not to extend, the jurisdiction of the court in cases of contract and direct breaches of contract, and to enable rules to be made whereby its procedure will be brought into accord with modern practice.

Jury trials cannot now take place in Dublin during at least five months of each year, and one of the results expected from the passing of this Bill is that such trials, in commercial cases arising within the limits of Dublin city, might be held at any period of the year except, perhaps, a short time in summer. The rules might also render litigation in such cases much cheaper than it is at present.

Borough Court (Dublin) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
 2. Extent of jurisdiction.
 3. Powers of recorder.
 4. Judgments final.
 5. Seal of court.
 6. Procedure as to judgments of the borough court.
 7. Amendment of 3 & 4 Vict. c. 108. as to foreign attachment.
 8. Appeal from all orders under this Act to Court of Appeal.
 9. Provision as to juries.
 10. Making of rules.
 11. Definitions.
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